

## **REMARKS / ARGUMENTS**

### **Status of Claims**

Claims 1, 2, 5-12, and 14-18 are currently pending claims 14-17 are withdrawn. Claim 18 stands rejected. Claims 1, 2, and 5-12 are allowed.

### **Rejections**

#### **Rejections Under 35 U.S.C. § 103(a)**

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,564,375 issued to Munk et al. (hereinafter referred to as “Munk”) in view of U.S. Patent No. 5,563,643 issued to Carlotta et al. (hereinafter referred to as “Carlotta”).

The Applicants respectfully disagree with the Examiner’s finding that the Munk-Carlotta combination obviates the present invention as claimed in claim 18. Specifically, the Examiner relies upon Munk as teaching all of the elements of claim 18 except the portion of claim 18 which requires that the “pin is secured to said body with UV curable adhesive.” The Examiner then relies upon Carlotta to supply the teaching that a pin can be secured using UV curable adhesive and concludes that it would have been obvious to combine the teachings of Munk with that of Carlotta to arrive at the claimed invention. Carlotta discloses using a UV curable adhesive to secure a pin 40 in a hole 40 (column 7 lines 1-2). A person having ordinary skill in the art would not have been motivated to combine the features of the references in the way suggested by the Examiner at least because Munk teaches away from “an airless atomizing nozzle,” as required by claim 18.

Munk discloses a humidification unit 10 comprising a nozzle 51 that sprays water through a tunable ultrasonic field 52 and into the air being conditioned within a fogging chamber 17. As pressurized air flows (which creates a standing shock wave) into the nozzle 51, water flows through the conduit 65 and mixes with the air in the passageway 62 to vigorously shear water particles into fine droplets of about 10 microns in size. The resonator cup 72 deflects the droplets into cross flow

mixing with the primary air stream that is coming from the circulating fan 26. The pressurized air is provided by an air compressor 25.

The Munk device is not airless and clearly uses the air provided by air compressor 25 to create a shock wave in the tunable field 52 that reduces the 100 micron particles of water to 10 micron particles of water. Since the Munk-Carlotta combination (as suggested by the Examiner) does not provide “an airless atomizing nozzle,” as required by claim 18, the Examiner’s rejection cannot stand. Accordingly, the Applicant asserts that neither Munk nor Carlotta, alone or in combination, teaches all of the limitations of claim 18. Applicant submits that claim 18 is in condition for allowance and requests reconsideration and withdrawal of the rejection of claim 18 under 35 U.S.C. § 103(a).

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 1,761,422 issued to Wagner (hereinafter referred to as “Wagner”) in view of Carlotta. The Examiner relies upon Wagner as teaching all of the elements of claim 18 except the portion of claim 18 which requires that the “pin is secured to said body with UV curable adhesive.” The Examiner then relies upon Carlotta to supply the teaching that a pin can be secured using UV curable adhesive and concludes that it would have been obvious to combine the teachings of Wagner with that of Carlotta to arrive at the claimed invention. Carlotta discloses using a UV curable adhesive to secure a pin 40 in a hole 40 (column 7 lines 1-2).

Wagner discloses a nozzle comprising a nozzle body 1 for selectively accepting and carrying various nozzle tips having different bore diameters. A cut-water and spray needle holder 25 is rotatably attached to the body 1. The holder 25 holds cut-water and spray needle which is formed as one piece and comprises a cut-water portion 36 and a conical head 38, each oriented to face an oncoming water stream. The holder 25 has a radially disposed lug 30 which has a bore 32 to receive a shank 35 of the cut-water and spray needle device. The holder 25 also has a bore 33 to receive a set

screw 34 that secures the shank 35 within the bore 32.

However, a person having ordinary skill in the art would not have been motivated to combine the features of Wagner and Carlotta in the way suggested by the Examiner. Wagner clearly teaches away from permanently securing right angular extension 37 to holder 25 using UV curable adhesive. Specifically, Wagner teaches that an object of the Wagner invention is “to provide a wear takeup for the adjustable needle and cut-water support.” Further, by securing the cut-water and needle device to the body 25 with an adjustable set screw 34, the adjustable needle and cut-water support serves as a “means of adjusting the spray needle with reference to the axis of discharge” which is “a valuable feature of the invention.” Clearly, the right angular extension 37 is intended by Wagner to remain selectively movable with respect to the holder 25, an arrangement that is fully incompatible with permanently securing the two together with UV curable adhesive.

Since Wagner teaches away from the use of UV curable adhesive, the Examiner’s rejection cannot stand. Accordingly, the Applicant asserts that neither Wagner nor Carlotta, alone or in combination, teaches all of the limitations of claim 18 and that the above teaching away from combining the references traverses the rejection. Applicant submits that claim 18 is in condition for allowance and requests reconsideration and withdrawal of the rejection of claim 18 under 35 U.S.C. § 103(a).

### **Objections**

#### **Objections Under 37 C.F.R. § 1.75(e)**

The Examiner has objected to the form of claim 14. However, claim 14 is currently withdrawn from consideration and the Applicant considers the objection moot.

### **Allowable Subject Matter**

The Examiner has indicated that claims 1, 2, and 5-12 are allowable as written.

**Conclusion**

For all of the foregoing reasons and in view of the foregoing amendments, Applicant respectfully contends that the application is now in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and allowance of claims 1, 2, 5-12, and 18, and issuance of a Patent for the subject invention. If the Examiner cares to discuss anything presented here to further prosecution of this application, he is invited to contact the undersigned Attorney for the Applicant. Please charge any additional requisite fees relating to this amendment and response to Deposit Account No. 501581.

Respectfully submitted,

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